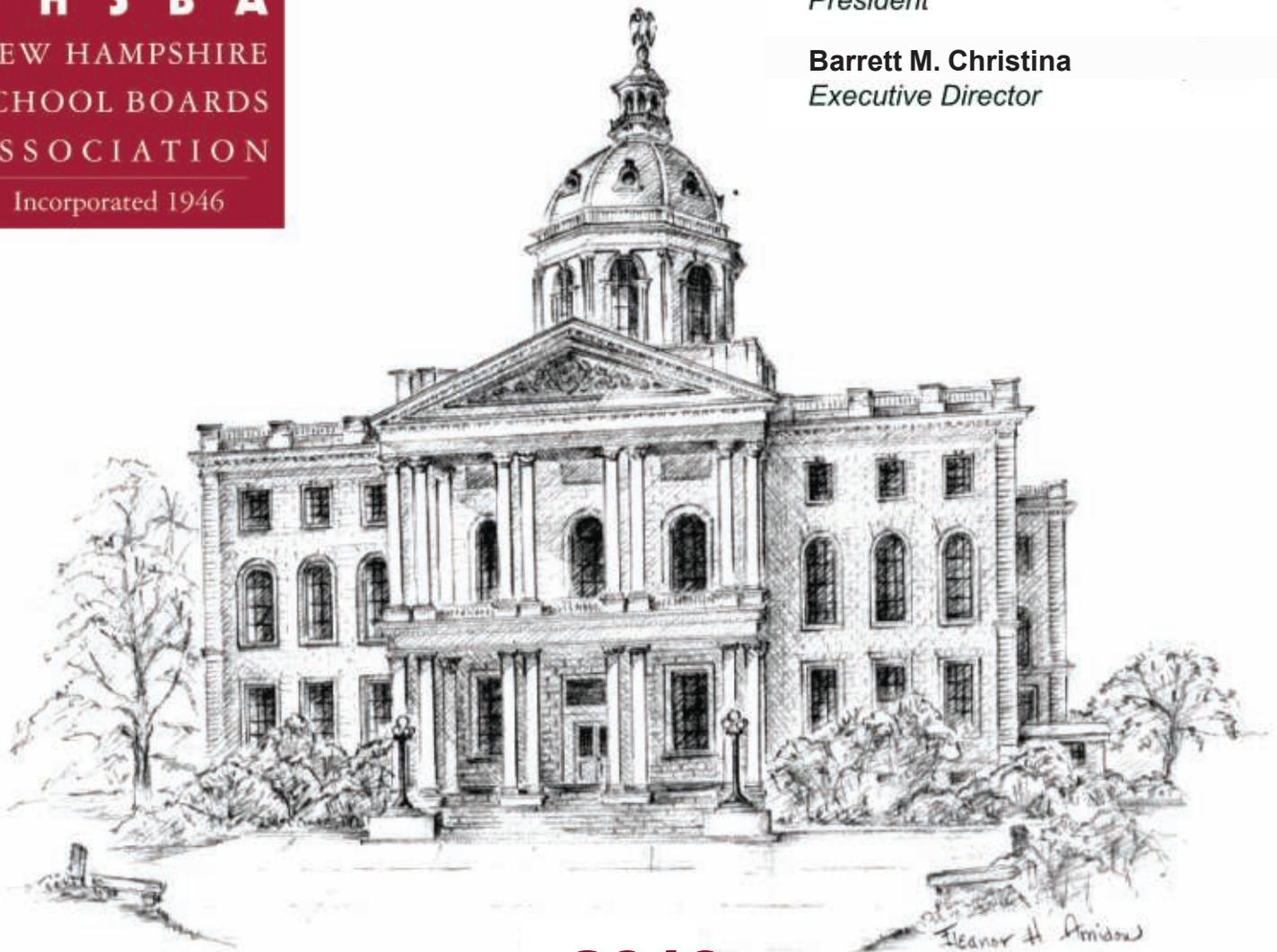


# New Hampshire School Boards Association

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**2019**

# LEGISLATIVE SUMMARY

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**2019 NHSBA Legislative Summary**  
A Resource Guide for School Districts and Local Boards of Education

**Part I - Bills That Have Become Law**

| Bill Number                                 | Analysis  |
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| <b>Academics &amp; Assessment</b>           |   |
| <b>SB 267</b><br>Student Assessment<br>Data | <p><b>Summary</b><br/> SB 267 inserts a new section and amends RSA 193-C, Statewide Assessment Program for the purpose of enabling testing entities to maintain the results, scores, or other evaluative materials for the purpose of measuring individual student growth data. SB 267 permits a school or the Department to share a student’s name, unique pupil identifier, and birthdate to a testing entity for the sole purpose of identifying the test taker. This is student level information is used to match student results from year to year for calculating individual growth over time. The testing entity is required to destroy all student data after 8 years.</p> <p style="text-align: right;"><i>Effective date, October 12, 2019</i></p>   |
|   | <p><b>Legal/Practice Impact</b><br/> SB 267 returns the availability of individual student growth data from one instructional term to another for schools, educators, students and their families. This data and information will be more relevant and meaningful to all stakeholders in examining how individual students are progressing over time as measured by the statewide assessment program. Score reports will now contain <u>both</u> individual student proficiency/competency levels, as well as their growth from one point in time to another. The presence of both scores provides a more well-rounded and actionable picture of how a student is progressing. Districts should review their Data Governance Plans, Data Governance and Security Policies (NHSBA sample EHAB), as well as their internal student records procedures to assure that growth data is properly secured.</p> |
|   | <p><b>Policy Impact</b><br/> While there is no direct impact upon existing NHSBA sample policies, districts should review their own Data Governance Plans, Data Governance and Security Policy, as well as other policies districts may have regarding student assessments (e.g., NHSBA sample ILBA). No new policies are anticipated in response to this bill.</p>   |

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| <p style="text-align: center;"><b>SB 276-FN-A</b><br/>Career Readiness<br/>Credentials</p> | <p><b>Summary</b></p> <p>Of the 2019 legislative session, SB 276 is one of the most important bills that creates opportunities for students while in high school and beyond as they pursue post-secondary education opportunities. In review, SB 276 accomplishes four ends.</p> <ul style="list-style-type: none"> <li>▪ Defines terminology related to career and technical education fostering a shared vocabulary and understanding.</li> <li>▪ Creates ways for NH high school students to earn career ready credentials and be informed of many opportunities within a career pathway system.</li> <li>▪ Enhances the reporting system where the state collects and analyzes data on career and technical education outcomes.</li> <li>▪ Enables students in grade 10 to enroll in dual and concurrent enrollment courses.</li> </ul> <p style="text-align: right;"><i>Effective date, October 11, 2019</i></p>  |
|  | <p><b>Legal/Practice Impact</b></p> <p>As SB 276 is implemented, local school districts, specifically high schools will play a critical role. Beginning in September of 2020, and each year thereafter, school districts will be required for all incoming freshman to:</p> <ul style="list-style-type: none"> <li>▪ Assess student career interests;</li> <li>▪ Document school-based pathways to career readiness credentials;</li> <li>▪ Advise all entering high school students how to achieve a career ready credential upon graduation;</li> <li>▪ Record on student transcripts progress towards that credential;</li> <li>▪ Report on the annual basis to the Advisory Council on Career and Technical Education data elements enumerated within the law.</li> </ul> <p>Lastly, SB 276 expands the grade levels for enrollment in the dual and concurrent enrollment program. Previously, such coursework was available to students in grades 11-12. SB 276 drops this program down to grade 10, making courses available in grades 10-12.</p> <p>School districts will need to plan for implementation of the dual concurrent enrollment changes <u>now</u>, as access to this coursework should be available to 10<sup>th</sup> grade students, <i>effective October 12<sup>th</sup> of this year.</i></p> <p>As for the other provisions of this bill, districts and high schools should use this instructional year as a planning year to prepare for implementation during <i>September of 2020.</i></p> |

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|   | <p><b>Policy Impact</b><br/> NHSBA will include in the 2019 Fall Policy Update revisions to sample policy IHCD/LEB to reflect the expansion of the dual and concurrent enrollment provisions to sophomores, as well as IKF to include a provision regarding school-based career readiness credentials. NHSBA will also create a new recommended policy regarding the requirements relative to advising entering freshmen of the career readiness pathways, etc..</p>  |
| <p><b>School Finance &amp; Funding</b></p>                |   |
| <p><b>HB 175</b><br/> School Building Aid<br/> Grants</p> | <p><b>Summary</b><br/> HB 175 amends RSA 198:15-c, School Building Aid: Plans, Specifications and Costs by:</p> <ul style="list-style-type: none"> <li>▪ Establishing a timeline for school districts to submit applications for school building aid grants;</li> <li>▪ Clarifying and enumerating specific information to be provided in building aid applications;</li> <li>▪ Requiring the NHDOE to develop a form upon which districts submit a letter of intent;</li> <li>▪ Detailing provisions for emergency projects on a case-by-case basis at any time during the school year;</li> <li>▪ Requiring school districts to engage the services of a project manager for construction or reconstruction on projects of 1 million or more if such district accepts school building aid;</li> <li>▪ Requiring the State Board of Education (SBE) to develop and adopt rules for the required services, responsibilities, and qualifications for the school district’s project manager.</li> </ul> <p style="text-align: right;"><i>Effective date, September 27, 2019</i></p> <p><b>Legal/Practice Impact</b><br/> The full impact of HB 175 is not yet known as the state of NH continues to go without a state approved budget for 2019 and 2020. The availability of school building aid will be contingent upon the passage of each biennium budget going forward unless there are additional changes to the law. Schools should remain abreast of the responsibilities of the department, specifically the forms they develop and the rules they adopt for project managers.</p> <p><b>Policy Impact</b><br/> Districts should review any policies or procedures they may have relating to building contracts and the maintenance of infrastructure. NHSBA will revise its sample policy FEH to include provisions regarding Project Managers for projects of \$1mm.</p> |

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|   | <p>Additionally, districts should monitor the state’s Department of Education website for updates and notifications pertaining to school building aid. Such information should be monitored under the Bureau of School Safety and Facility Management.</p> <p><a href="https://www.education.nh.gov/program/school_approval/index.htm">https://www.education.nh.gov/program/school_approval/index.htm</a></p>  |
| <p><b>HB 713-FN-LOCAL</b><br/>Student<br/>Transportation</p>        | <p><b>Summary</b><br/>HB 713 amends RSA 189:6, Transportation of Pupils, by extending the mandate to provide transportation from the previous grades 1-8 to kindergarten through grade 8 (for students living more than 2 miles from the school). The bill also clarifies that local school boards are legally authorized to also provide transportation for high school students, as well as k-8 students who live closer than 2 miles.</p> <p style="text-align: right;"><i>Effective date, July 1, 2020</i></p> <p><b>Legal/Practice Impact</b><br/>Depending on enrollment numbers, current district practice concerning pupils where the law does not require transportation, and existing busing contracts, the impact will vary district by district. Districts have nearly a full year to plan and comply with this change in law as the effective date is not until 2020. It is recommended that districts begin the planning process now as there are implications to operating budgets, and contracts.</p> <p><b>Policy Impact for School Boards</b><br/>School districts should review their transportation policies (NHSBA sample EEA) and corresponding procedures, to ensure locally developed policies account for the required transportation of kindergarten pupils.</p> |
| <p><b>SB 82-FN</b><br/>School Food &amp;<br/>Nutrition Programs</p> | <p><b>Summary</b><br/>SB 82 was a high-profile bill during the 2019 legislative session, which results in more state-aid going to school districts who provide breakfast meals to students that meet or exceed USDA child nutrition criteria. The law specifically allocates an additional 27 cent reimbursement for each meal served to students eligible for a reduced-price meal.</p> <p>The NHDOE is charged in this bill to: Request biennial appropriations ensuring students eligible for reduced-price meals are offered breakfast at no cost. They also have the authority to develop and prescribe necessary forms to see that this law is administered as intended.</p> <p style="text-align: right;"><i>Effective Date, July 1, 2019</i></p>   |

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|  | <p><b>Legal/Practice Impact</b><br/>Districts should monitor any TA that is issued by the NHDOE regarding meal reimbursement. Further, school boards should review with their administrative personnel current meal plans, and how the state-aid might apply to current or future programs.</p>   |
|  | <p><b>Policy Impact</b><br/>The statutory changes do not directly implicate current NHSBA samples. However, as meal programs vary greatly district to district, each district should review its current policies and procedures relating to school nutrition to assure consistency with the new provisions (e.g., NHSBA’s samples include, EFA - Availability and Distribution of Healthy Foods, EFAA – Meal Charging, EFC - Free and Reduced-Price Lunch).</p>   |
| <p><b>School District Governance</b></p>                     |   |
| <p><b>HB 286-LOCAL</b><br/>Right to Know Law</p>             | <p><b>Summary</b><br/>HB 286 provides a minor change to RSA 91-A:4, IV, by clarifying that neither “costs” (new) nor fees (existing) may be charged for the inspection or delivery of records that do not require copying.</p>  |
|  | <p><b>Legal/Practice Impact</b><br/>While NHSBA does not believe that HB 286 changes current law, districts should ensure those in the SAU office who process Right to Know requests are aware the only cost or fee that can be charged relative to records requests are the “<u>actual cost of providing the copy</u>”. Districts should also review any forms they may use in requesting and processing RTK requests. <b>See summary of HB 396 for more substantial amendments to the same paragraph (IV) of RSA 91-A:4.</b></p>  |
|  | <p><b>Policy Impact</b><br/>See Policy Impact summary for HB 396, below.</p>  |
| <p><b>HB-FN-396-LOCAL</b><br/>Delay or Denial of Records</p> | <p><b>Summary</b><br/>HB 396 repeals and reenacts RSA 91-A:4, IV to address the delay or denial of records under the Right to Know law. In most respects, the re-enactment merely reformats the paragraph into sub-paragraphs. However, the amendment also includes a new provision (which many districts already followed as a best practice) – and now codified as 91-A:4, IV(c) that when denying a request for access to a record, in whole or in part, the district must provide a written statement of why the record is exempt, citing the specific exemption and provide a brief statement explaining how the exemptions applies to the withheld record.</p> <p style="text-align: right;"><i>Effective date, January 1, 2020</i></p> |

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|  | <p><b>Legal/Practice Impact</b><br/> School districts should ensure those in the SAU office who process Right to Know requests are aware of this change. Additionally, districts will want to explore any policies, procedures or forms they have developed or use to process such requests. Forms should be updated to reflect the exemptions for denying access to records and processes for providing brief explanations.</p> <p><b>Policy Impact</b><br/> See Legal/Practice Impact. Also, NHSBA will include in its 2019 Fall Policy Update a revision to sample policy EH (Public Use of School Records), and administrative procedure BEDG-R to reflect the new requirement.</p>  |
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| <p style="text-align: center;"><b>HB 329</b><br/> School Data Security Plans</p> | <p><b>Summary</b><br/> HB 329 was legislation spearheaded by NHSBA seeking to ensure school district data and security plans are exempt records under the Right to Know law. HB 329 expands on HB 1612 from the 2018 legislative session which required each LEA to design a data and privacy security plan by June 30, 2019. The plan must include 5 components which are outlined within the original bill. HB 329 specifies that records pertaining to information technology systems, including cyber security plans, vulnerability testing, network diagrams, or other materials that would compromise public security and aid in a security breach are now exempt records under RSA 91-A:5.<br/> <p style="text-align: right;"><i>Effective date, August 4, 2019</i></p> <p><b>Legal/Practice Impact</b><br/> The new language provides an unambiguous exemption from the records disclosure provisions of 91-A with respect to information technology records and public security details that would aid an attempted breach.</p> <p><b>Policy Impact</b><br/> While HB 329 does not <u>require</u> changes to any NHSBA sample policies, we will likely include in either the 2019 Fall Policy Update or 2020 Spring Policy Update a minor revision to sample EHAB (Data Governance and Security) to alert staff and the public of the non—public, non-disclosure provisions.</p> </p> |
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| <p style="text-align: center;"><b>HB 425</b><br/> Code of Conduct</p>            | <p><b>Summary</b><br/> HB 425 is what we refer to as a legislative clean-up bill. The goal of such legislation is to provide greater clarity in what has now become law. Like HB 329, HB 425 was spearheaded by NHSBA. HB 425 aims to clarify terminology relating to the State’s Code of Conduct for Educators and model Code of Ethics for local district adoption.</p>  |

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|  | <p>Previously RSA 21-N:9 simply referred to a Code of Ethics for Professional Educators, when the work that was completed through state board of education rulemaking developed a Code of Conduct for implementation and enforcement by the state education agency (SEA). HB 425 brings into alignment what is in print in the law and what is in practice at the SEA.</p> <p style="text-align: right;"><i>Effective date, September 17, 2019</i></p> <p><b>Legal/Practice Impact</b><br/>As a result of the rulemaking the NHDOE engaged in on the development of a Code of Conduct for educators, (effective December 2018) local districts should be engaging educators in dialogue and professional learning about this new code. Such engagement should include building awareness, deepening understanding of implications, and orientation to individual educator responsibilities within the broader profession.</p> <p><b>Policy Impact</b><br/>In NHSBA’s Spring 2019 Policy Update the association revised two existing policies GBEA (Staff Ethics), and GBEB (Staff Conduct), and published a new sample <b>required policy</b> GBEAB (Mandatory Code of Conduct Reporting). No additional changes are required as a result of HB 425.</p>   |
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| <p style="text-align: center;"><b>SB 104-LOCAL</b><br/>Postponement of<br/>Elections</p> | <p><b>Summary</b><br/>SB 104 was one of the most high-profile bills of the 2019 session. It represents a compromise that affirms and clarifies the moderator’s authority to postpone elections (town, city, village and school district), including the session at which town elections are held, for weather or other emergencies.</p> <p style="text-align: right;"><i>Effective date, July 10, 2019</i></p> <p><b>Legal/Practice Impact</b><br/>The bill itself is somewhat complicated as it needed to dovetail the new standards with statutes for each of the myriad of local government types (cities, towns, single school districts, cooperative districts, traditional meeting, SB2, official ballot, etc.). In general, under the revisions, a single district moderator (in consultation with the board, road agent and other officials) may postpone the annual meeting, the election, the first and/or second session of an SB2 meeting, if (1) the National Weather Service issues a weather warning for a district <b>and</b> the moderator determines that the roads are hazardous, or (2) an accident, disaster or other emergency occurs which makes the meeting location unsafe. The statute prescribes the periods of postponement depending on the nature of the event (meeting, election, etc.) and other such things as notice to voters, absentee ballots for elections or official ballots, and notice to the Secretary of State for continued</p> |

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|  | <p>elections. For cooperative districts, the district moderator shall confer with the moderators for each of the constituent towns, but may only postpone if a majority of the towns agree.</p> <p>It is important for the district’s moderator to familiarize him/herself with the new requirements long before the annual meeting/election occurs. Given the implications and ramifications for an improperly postponed meeting/election, the board and moderator should consult with local counsel prior to any decision to postpone.</p> <p><b>Policy Impact for School Boards</b><br/>NHSBA sees no policy impact at this time.</p>   |
| <p><b>Personnel and Retirement</b></p>                                 |  |
| <p><b>HB 468-FN-LOCAL</b><br/>Stipends &amp; the Retirement System</p> | <p><b>Summary</b><br/>HB 468 as it relates to public school districts revises the definition of “earnable compensation” for the NH Retirement System (NHRS). Earnable compensation now includes annual cash payments in the form of an attendance stipend or bonus paid pursuant to a collective bargaining agreement, personnel policy, or other agreement applicable to all employees.<br/><i>Effective date, September 10, 2019</i></p> <p><b>Legal/Practice Impact</b><br/>This provision will only impact districts which pay attendance bonus/stipends to employees (either under collective bargaining agreements or individual contracts) who are participants in the NHRS.</p> <p><b>Policy Impact for School Boards</b><br/>NHSBA sees no policy impact at this time.</p>  |
| <p><b>SB 137</b><br/>School Nurse Certification</p>                    | <p><b>Summary</b><br/>SB 137 represents a compromise to school nurse certification requirements which have been a point of contention within the field over the course of the past 3 years. At its core, SB 137 raises the certification requirements for school nurse while creating a provision that grandfathers individuals already employed by districts in such role. Ultimately, SB 137 changes the certification requirements for a school nurse by requiring such individuals to possess a Bachelor of Science degree in nursing. Implementation of this bill varies by date of employment.</p> <ul style="list-style-type: none"> <li>▪ All school nurses appointed <u>after July 1, 2022</u> must meet the certification requirements of a school nurse – Bachelor of Science degree in nursing.</li> <li>▪ All school nurses hired after the effective date of subparagraph II (August 25, 2019) but before July 22, 2022 having an</li> </ul> |

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|  | <p>associate degree in nursing must be enrolled in a Bachelor of Science Nursing program and shall complete said program within 6 years of August 25, 2019.</p> <ul style="list-style-type: none"> <li>All school nurses hired on or before the effective date (August 25, 2019) and having applied for certification prior to the effective date shall not be subject to the new requirements.</li> </ul> <p><b>Legal/Practice Impact</b><br/> School superintendents, principals and human resource directors must be aware of these new certification regulations, particularly if and when a district has appointed/appoints a school nurse after the August 25, 2019 date. Any school nurse after that date and before July 22, 2022 will require the employee to pursue additional education in a BS program in nursing. Individuals making hiring decisions should be aware of this requirement and inform any potential new hire if they do not possess the BS. Additionally, the employment of a school nurse without the BS may have implications to the district budget, professional development monies, and contractual obligations for the reimbursement of coursework.</p> <p><b>Policy Impact</b><br/> Districts should review and revise their current health services policies (NHSBA sample JLC) and job descriptions to assure consistency with the new standards. NHSBA will update sample JLC with the 2019 Fall Policy Update.</p> |
| <p><b>School Wellness and Safety</b></p>   |   |
| <p style="text-align: center;"><b>HB 123</b><br/> Emergency<br/> Response Plans for<br/> Schools</p> | <p><b>Summary</b><br/> HB 123 revises the existing statute governing emergency response plans for schools, RSA 189:64, I. The new law now applies to public, chartered public, and non-public schools. While the applicability of this law has grown the most substantive changes reside in the nature of drills schools are now required to implement. The annual number of drills has not grown in volume, of the currently required number of fire evacuations. Of those fire evacuations, at least <u>4</u> must be <u>all-hazard</u> response drills and at least <u>one</u> shall test a school’s response to an <u>armed assailant</u>. Districts have flexibility in how they implement the armed assailant drill, one of the options is a discussion-based drill. The types of all-hazard drills, the exercises, manner, and time are determined by the LEA in <u>collaboration</u> with local public safety officials.<br/> <i>Effective date, July 14, 2019</i></p> <p><b>Legal/Practice Impact</b><br/> School districts should ensure they are in contact with local safety officials coordinating and scheduling all emergency response drills.</p>   |

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|                                     | <p>Districtwide leadership teams should engage in discussions about how armed assailant drills are best facilitated within their communities and individual schools taking into account the age of children enrolled, history of school violence or traumatic events, and unique needs of students. Furthermore, districts should ensure all school plans are up to date and on file with the Department of Homeland Security and local emergency agencies.</p>   |
|                                     | <p><b>Policy Impact</b><br/> Districts should review any written policies or procedures they may have regarding scheduled fire drills and make such revisions as necessary to assure consistency with the new “all-hazard” drills. NHSBA will update sample policy EBCB (Fire Drills) with the 2019 Fall Policy Update.</p>   |
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| <p><b>HB 511-FN</b><br/> Vaping</p> | <p><b>Summary</b><br/> HB 511 adds vaping to the law regarding youth access to and use of tobacco products. In amending RSA 126-K:2, the legislature has expanded definitions concerning tobacco products. The definitions section of the law has added “device,” and has expanded upon what is meant by an “E-cigarette,” and “E-liquid”, to among other things apply to “vaping” and also cartridges including marijuana. In addition to these definitions the term “smoking” has also been clarified. While HB 511 has broad based applications there are specific references to public educational facilities. The law addresses these facilities, which include schools by making clear that no person shall use any tobacco product, device, e-cigarette, or e-liquid in any public educational facility or on the grounds of such facility.</p> <p style="text-align: right;"><i>Effective date, July 1, 2019</i></p> <p><b>Legal/Practice Impact</b><br/> School districts should inform staff and students of these changes to the state’s youth tobacco law. Parent/student handbooks should reflect these changes along with signage, and relevant local policies concerning tobacco usage on school grounds.</p> <p><b>Policy Impact</b><br/> Districts should review any written policies, administrative procedures, and handbooks they may have which include provisions regarding tobacco product prohibitions and revise them to reflect the new applications and definitions. NHSBA issues a revised sample ADC/GBED/JICG in Fall 2018 which incorporated future changes to the statutory definitions for prohibited tobacco/nicotine products. NHSBA will nonetheless issue with the Fall 2019 Policy Update a revised sample ADC/GBED/JICG to more specifically reference the new statutory definitions, applications, etc.</p> |

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| <p style="text-align: center;"><b>HB 637-FN</b><br/>Criminal History<br/>Records</p>      | <p><b>Summary</b><br/>Over the course of the 2019 session criminal history records and background checks were a repeating theme of conversation and sponsored legislation. At times, the sponsored bills conflicted in intent and anticipated outcomes. HB 637 brings forth two key elements local boards and district leadership should be aware of. First, the bill requires the division of state police to establish and maintain an electronic database containing public criminal history record information. Second, the database may be accessed by “any person, for a fee” obtaining a criminal history record on “another person”. HB 637 also removes the notarization requirement for requesting a criminal history records check for purposes of employment and occupational licensing.</p> <p style="text-align: right;"><i>Effective date, July 1, 2019</i></p> <hr/> <p><b>Legal/Practice Impact</b><br/>The reality of this bill is the general accessibility that is created in access to any individual’s state of NH criminal history record. HB 637 enables anyone to obtain a criminal history record on another person – staff to staff, supervisor to staff, community member to board, etc..... Districts will want to consider whether and how they inform staff of this law change and plan accordingly for greater access of records by employees and the broader community.</p> <hr/> <p><b>Policy Impact</b><br/>HB 637 does not directly impact any existing NHSBA sample policy. The background checks required for school districts under RSA 189:13-a (see NHSBA sample policy GBCD) are not affected by HB 637. Districts may consider different background check standards <u>in addition</u> to those articulated in GBCD or 189:13-a.</p> |
| <p style="text-align: center;"><b>SB 142-Local</b><br/>Menstrual Hygiene<br/>Products</p> | <p><b>Summary</b><br/>SB 142 has its roots in a student project completed by a student resident of Rochester, NH. The intent of the bill is to address “period poverty,” an issue affecting thousands of young girls and women. SB 142 requires local districts to make free of charge menstrual hygiene products in all gender neutral and girls’ restrooms in public middle and high schools in NH.</p> <p style="text-align: right;"><i>Effective date, July 17, 2019</i></p> <hr/> <p><b>Legal/Practice Impact</b><br/>School districts will want to plan for the expense of menstrual hygiene products in the development of their 2021 operating budgets and seek funding mechanisms to cover the costs for such items during the 2019-</p>   |

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|   | <p>2020 school year. Planning for compliance with this bill should include school administration, school counselors, and school nurses.</p>  |
|   | <p><b>Policy Impact for School Boards</b><br/> NHSBA will include a sample recommended policy regarding SB 142 with the 2019 Fall Policy Update.</p>   |
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| <p><b>SB 263</b><br/> Anti-Discrimination<br/> Protection for<br/> Students</p> | <p><b>Summary</b><br/> SB 263 was one of the most widely debated bills during the 2019 legislative session engaging discussion across three legislative committees (both education committees and the house judiciary committee). SB 263 initiates the following provisions:</p> <ul style="list-style-type: none"> <li>▪ Creates an antidiscrimination law of any person in public schools.</li> <li>▪ Requires public school districts to develop a policy that guides the development and implementation of a coordinated plan to prevent, assess the presence of, intervene in, respond to incidents of discrimination on the basis of age, sex, gender, identity, sexual orientation, race, color, marital status, familial status, disability, religion, national origin, or other protected classes.</li> <li>▪ Creates a cause of action against a school or school district in superior court for legal or equitable relief, or with the NH Commission for Human rights.</li> <li>▪ Any aggrieved person or the attorney general may initiate civil action against a school or district.</li> </ul> <p style="text-align: right;"><i>Effective date, September 17, 2019</i></p> <p><b>Legal/Practice Impact</b><br/> While the future impact of SB 263 is uncertain, NHSBA believes this bill may greatly increase lawsuits against school districts. NHSBA has concerns that SB 263 does not define or adequately explain what constitutes “discrimination” in public schools. This is especially important when compared with other anti-discrimination provisions of RSA 354-A. Further, SB 263 states only that no person shall be “subjected to discrimination” in public schools without further defining, explaining or expounding on what the unlawful discriminatory practices are.</p> <p><b>Policy Impact</b><br/> NHSBA will publish a new sample policy to reflect the requirements of SB 263, with revisions or cross-references to existing samples relating to other federal or state discrimination laws and regulations. Because of the lack of standards in SB 263, the relationship/overlap of SB 263</p> |

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|  | with existing federal and state discrimination laws and with current NHSBA samples, the Association’s policy response for SB 263 will be released later this year. NHSBA will, however, issue a placeholder policy with the 2019 Fall Policy Update.   |
| <b>Study Committees</b>                |  |
| <b>SB 282-FN</b><br>Suicide Prevention | <p><b>Summary</b><br/>         SB 282 was another high-profile bill of the 2019 legislative session. During this session lawmakers demonstrated a genuine interest in student mental health issues and NH’s incidences of youth suicide. SB 282 initiates a new chapter of law in Suicide Prevention Education in Schools by amending RSA 193-I. The purpose of this chapter is to reduce the number of suicides in our school population by ensuring that suicide prevention education and training is available to school personnel and to students and their parents using age-appropriate and evidence-based materials.</p> <p style="text-align: right;"><i>Effective date, July 1, 2020</i></p> <p><b>Legal/Practice Impact</b></p> <ul style="list-style-type: none"> <li>▪ Each district must develop a local policy that guides the development and implementation of a coordinated plan to <u>prevent</u>, <u>assess</u> the risk of, <u>intervene</u> in, and <u>respond</u> to suicide. The policy has additional elements for inclusion that are detailed within the text of the law.</li> <li>▪ By April 1, 2021, each school district will have engaged all faculty, staff, contracted and personnel in 2 hours of mandatory suicide awareness and prevention training. This training will occur annual thereafter.</li> <li>▪ All training and policies shall be evidence informed.</li> <li>▪ Nothing within this new chapter of law creates a private right of action against any SAU, school district, public academy, state, employee, contractor, or subcontractor.</li> </ul> <p><b>Policy Impact</b><br/>         NHSBA will develop a sample policy to comply with this legislation and to be released with the Fall 2019 Policy Update.</p> |
| <b>Study Committees</b>                |  |
| <b>HB 131</b><br>Mental Health         | <p><b>Summary</b><br/>         HB 131 was a widely discussed bill of the 2019 legislative session. Over the last few years the legislature has heard narratives from families, schools, and districts about the complex mental health issues students and staff struggle with on a regular basis. HB 131 is in response to these stories and needs. HB 131 establishes a legislative commission</p>  |

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|   | <p>of diverse stakeholders. The commission is charged with completing 12 different tasks. Tasks of note include:</p> <ul style="list-style-type: none"> <li>▪ An examination of mental health curriculum and social emotional learning programs.</li> <li>▪ A review of the state’s anti-bullying laws and possible modifications to RSA 193-F.</li> <li>▪ The development of school outreach programs that train staff and students on reducing the stigma of mental illness.</li> </ul> <p>NHSBA has a seat on this commission along with other professional associations and organizations impacting public education in the state.<br/><i>Effective date, July 19, 2019 and November 30, 2020</i></p> <p><b>Legal/Practice Impact</b><br/>While the impact of this law is not yet known as the commission needs to come together to complete their work, and file interim and full reports with the legislature by January 30, 2020, June 30, 2020, and November 30, 2020. It is logical to assume that the state may see changes to the existing anti-bully laws and curriculum for health education. In addition to curriculum and law changes schools may also see additional training requirements for staff and students similar to those outlined in the suicide prevention bill passed this session.</p> |
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| <p style="text-align: center;"><b>HB 139</b><br/>Student Debt</p> | <p><b>Summary</b><br/>Student debt along with the expense of a range of post-secondary education opportunities has been a topic of wide discussion nationally and within the state lines of NH. HB 139 establishes a commission to explore the possibility of a state guarantee of refinancing student loans and to explore the possibility of business tax credits for businesses that offer student loan forgiveness, among other incentives.<br/><i>Effective date, June 8, 2019</i></p> <p><b>Legal/Practice Impact</b><br/>The legal/practice impact will be better known at the completion of this study committee.</p>   |
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| <p style="text-align: center;"><b>HB 171</b><br/>Equal Access</p> | <p><b>Summary</b><br/>HB 171 establishes a special education commission to study school districts’ efforts and ability to provide equal access and opportunity for students with disabilities to participate in cocurricular activities. The bill enumerates five sub-topics for the commission to explore and the commission is not limited to those five sub-topics. Those sub-topics range from program expansion, try-outs and selection for athletic teams, reasonable accommodations for all students to participate in unified sports, and a possible state-wide unified sports model adopted</p>  |

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|  | <p>by the legislature. The commission’s report is due to the legislature on November 1, 2019.</p> <p style="text-align: right;"><i>Effective date, June 5, 2019 and November 1, 2019</i></p>   |
|  | <p><b>Legal/Practice Impact</b></p> <p>Depending on the outcomes of the study commission, HB 171 could lead to additional legislation that has implications for the development of unified sports programs within local districts and related budgetary expenses.</p>  |
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| <p style="text-align: center;"><b>HB 258</b><br/>Educator<br/>Preparation</p>          | <p><b>Summary</b></p> <p>HB 258 has been a perennial bill proposed across multiple legislative sessions. In 2019 it was successful and received the support of both houses and was signed by the Governor. HB 258 creates a commission to study NH educator preparation programs that prepare teachers for careers in education within NH. The commission is charged with exploring specific features of educator preparation. Those features include but are not limited to recruitment and admission standards, education courses, requirements for student teaching (internships, externships, residencies), professional standards, salaries, certification and continuing education requirements, teacher absenteeism and retention. The commission shall file its report with the legislature by November 1, 2020.</p> <p style="text-align: right;"><i>Effective date, July 19, 2019 and November 1, 2020</i></p> <p><b>Legal/Practice Impact</b></p> <p>NHSBA is unable to anticipate the implications at this time.</p> |
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| <p style="text-align: center;"><b>HB 570</b><br/>Career Pathways to<br/>Employment</p> | <p><b>Summary</b></p> <p>A repeating topic of conversation in Concord is one that explores ways in which NH can best address the existing state workforce needs and demands. HB 570 explores a possible solution to this state challenge. HB 570 establishes a commission to study career pathways from full-time service year programs to post-secondary education and employment opportunities in support of the workforce needs that exist in the state. Such service programs attract out of state individuals to NH and return some residents to the state. The goal of this bill is to identify means by which the State can retain workers and address workforce needs. The commission is charged with submitting an interim report by November 1, 2019 and a final report including ideas for legislation by November 1, 2020.</p> <p style="text-align: right;"><i>Effective date, June 25, 2029 and November 1, 2020</i></p>   |

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|  | <p><b>Legal/Practice Impact</b><br/>There are no district or school level legal/practice impacts at this time.</p>   |
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| <p><b>SB 62</b><br/>School Bus Drivers</p>   | <p><b>Summary</b><br/>HB 62 is an outcome from a 2018 commission to study certain aspects of the school bus driver shortage in NH. SB 62 transitions the work to solutions for addressing the shortage as well as an additional study area. Specifically, SB 62 accomplishes two items. First, it exempts certain seasonal workers (school bus drivers) who are temporarily laid off from the work requirement to search for work to qualify for unemployment compensation. Second, it requires a second and new study to explore criminal background checks for school bus drivers and recommend legislation to establish a statewide certification program for school bus drivers based upon the recommendations of the department of safety.</p> <p style="text-align: right;"><i>Effective date, July 12, 2019</i></p> <p><b>Legal/Practice Impact</b><br/>NHSBA is unable to identify all the implications of SB 62 at this time. For districts which directly employ bus drivers, unemployment insurance premiums may be impacted in the future by increased claims relative to Summer “layoffs”. The remainder of the bill pertains to a study commission, whose recommendations would require additional legislation in any event.</p> |
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| <p><b>SB 141</b><br/>Violence in Schools</p> | <p><b>Summary</b><br/>School safety and wellness were clear themes cutting across many bills during the 2019 session. SB 141 continues the commitment to this theme by establishing a study committee to explore violence in NH schools. This bill had its origins with the state’s teachers’ unions expressing care and concern for a growing awareness of educators injured while on duty by a student or students. Through the legislative process the focus of the bill broadened in an effort to capture all types of violence that occur in schools and the causes of such actions. The duties of the committee include:</p> <ul style="list-style-type: none"> <li>▪ Collect information on the extent of violence and problematic student behavior in schools.</li> <li>▪ Examine changes over time in the rate and types of violent and problematic student behavior.</li> <li>▪ Identify causes of student behavior.</li> <li>▪ Explore the adequacy of existing laws, regulations, policies, and practices in place to address violence and interventions.</li> </ul>   |

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|  | <ul style="list-style-type: none"> <li>▪ Review the availability of effective interventions designed to prevent and respond to violence and improve overall school climate.</li> </ul> <p>Unlike other committees and commissions, the membership of this study committee is limited to members of the legislature, with this said, the committee is required to accept testimony from school personnel, advocacy organizations, along with experts from a diverse range of fields. The committee’s report is due November 1, 2019 with an expectation that recommendations will be offered for further legislation and improved reporting and data collection.</p> <p style="text-align: right;"><i>Effective date, July 29, 2019</i></p> <p><b>Legal/Practice Impact</b><br/> NHSBA believes further legislation or administrative rules will grow from SB 141. At the very least the legislature and department may be interested in examining when, how, and what they collect for information concerning student behavior and violence.</p> |
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## Part II – Interim Study, Retain, and Rerefer

No bills from the 2019 legislative session were referred to Interim Study. This is not because the legislature did not wish for interim studies on specific topics. Rather, the legislature can only refer bills to interim study in the second year of a legislative term. 2019 was the first year of the term preventing the legislature from referring bills to interim study. Given this, we see a high number of bills that were retained (an action of the House) or rereferred (an action of the Senate).

Retaining and rerefering is quite different from interim study and can only be done during the first year of a legislative term. When a bill is retained or rereferred, it remains alive into the second year, and the committee makes a recommendation at the beginning of the second year, which is then acted upon by the full House or Senate. It is possible that a bill could be retained in the first year, then referred for interim study in the second year.

In the House, a total of 21 bills that NHSBA was monitoring were retained. The Association will continue to monitor the status of all 21, but bills more critical in nature include:

### House Retained Bills of Notability

**HB 677**, Relative to the discipline of students, addressing the behavioral needs, and making an appropriation.

**HB 721**, Relative to special education in towns with no public schools.

**HB 723**, Relative to requiring a criminal history records check for applicants for teaching certification.

**HB 578**, Relative to services for the developmentally disabled.

**HB 414**, Relative to notifying parents of bullying incidents.

**HB 184**, Relative to the calculation of kindergarten students in the average daily membership and repealing prorated kindergarten funding based on keno revenues.

**HB 177**, Relative to the calculation of stabilization grants.

**HB 551**, Establishing a school funding commission and making an appropriation therefor.

**HB 709**, Relative to the formula for determining funding for an adequate education.

In the Senate, there were 9 bills rereferred that NHSBA was monitoring during the 2019 session. The Association will continue to monitor the status of all 9, but bills more critical in nature include:

#### **Senate Rereferred Bills of Note**

**SB 302**, Relative to the suspension and expulsion of pupils.

**SB 171**, Appropriating money to remove lead from drinking water pipes in schools.

**HB 252**, Relative to criminal records checks in the employee application process.

**HB 447**, Relative to school calendar days.

**SB 65**, Relative to the start of a school year.

#### **Part III – Vetoes**

2019 was the first year of a new legislative term that ushered in an executive branch and legislative branch dominated by different political parties. With this party split across the branches of state government, 2019 has seen an unprecedented number of vetoed bills executed by the governor's office. As of mid-August, more than 40 bills have been killed by the governor. Of those 40 bills, four are of great importance to school districts.

**SB 140**, relative to credit for alternative, extended learning, and work-based programs. SB 140 was introduced in an effort to address the proposed Learn Everywhere rules by the NHDOE, which were first published in December of 2018. SB 140 aimed to make clear that it is the local

school board that determines the credit leading to graduation for alternative learning programs, extended learning opportunities, and work-based learning experiences.

**SB 148**, relative to notification to public employees regarding their right to join or not join a union. SB 148 would have ushered forward a few changes concerning employment unions within NH’s public schools. Those changes would have included:

- Requiring an employee organization to provide written notice to any person hired for employment with the state or any of its political subdivisions regarding the employee's right to decide whether to join or not to join a union and the estimated cost per pay period to the employee.
- Requiring a public employer to provide to an employee organization access to certain personal information of employees which the organization represents.
- Permitting the inclusion of certain emails and other communications between an employee organization and its members in the proceedings and records of the public employee labor relations board.

**SB 196**, relative to non-academic surveys administered by a public school to its students. SB 196 would have modified the requirement of “opt-in” for non-academic surveys to “opt-out.”

**HB 564**, relative to the possession of firearms on school property. HB 564 was among the most widely discussed bills of the 2019 session and had relatability to other gun bills proposed during the same session. HB 564 sought to clarify and address the possession of firearms on school property and represented compromise on the widely debated issue among all stakeholders. HB 564 said, no person shall “knowingly” carry a firearm on school property. School property was identified in the bill as buildings, grounds, school buses, and vans. If an individual violated this provision they would be guilty of a class A misdemeanor. The bill also went on to exempt some persons and circumstances from the application of this law. Those included:

- Anyone picking up or dropping off a student so long as the firearm remained in the motor vehicle.
- Any person authorized by name and in writing by the school board or duly authorized designee to possess a firearm.
- Any law enforcement officer, when on duty or serving as a school resource officer, or member of the armed services of the US or National Guard when on duty.

NHSBA anticipates that all four bills will resurface in some fashion during the 2020 legislative session, which is the second year of the legislative term.

#### Part IV – Rarely Seen

Before completing our annual legislative summary, NHSBA continues to track **HB 226**, relative to the renomination of teachers. This bill has yet to be enrolled as it requires further revision by the Legislature. HB 226, if signed by the Governor, would modify RSA 189:14-a relative to the

criteria for a teacher to attain continuing contract status. The bill will be returned to the Legislature in September 2019 for further review/revision.

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